

Appl. No. 0009/710,332
Amdt. Dated March 12, 2004
Response to Office Action of September 12, 2003
Atty. Dkt No. TRNSV-013BC

REMARKS

The foregoing amendment and the remarks which follow are responsive to the Office Action dated September 12, 2003.

Prior to this amendment, claims 1, 2 and 5-7 were pending. In the Office Action, claims 1, 2, 6 and 7 were rejected as being indefinite or incomplete under 35 U.S.C. §112, second paragraph. Additionally, claims 1, 2 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by either United States Patent No. 5,553,957 (Aldea) or United States Patent 4,865,581 (Lundquist).

By the present amendment, Applicant has amended claims 1, 5, 6 and 7 and claim 2 has been cancelled. Also, new dependent claims 83-90 have been added.

As amended, independent claim 1 recites a method for transmyocardial coronary revascularization comprising the steps of a) creating a bloodflow passageway that extends through myocardial tissue between a chamber of the heart and a coronary vein such that blood will flow from the chamber of the heart, through the bloodflow passageway and into the coronary vein and b) causing the blood that flows from the chamber of the heart, through the bloodflow passageway and into the coronary vein to flow through the coronary vein in a direction opposite normal venous blood flow. Also, changes have been made to the language of dependent claims 5-7 to clarify the subject matter recited in such claims. Applicant respectfully submits that, as presently amended, all claims are definite and fully compliant with the requirements of 35 U.S.C. §112, second paragraph.

The cited Aldea and Lundquist references teach extracorporeal retroperfusion devices wherein blood is withdrawn from a patient's body through a tube and the withdrawn blood is subsequently pumped into the patient's coronary sinus through another tube. Neither Aldea nor Lundquist teaches or fairly suggests the formation of any bloodflow passageway that extends from a chamber of the heart, through myocardial tissue and into the lumen of a coronary vein, as recited in Applicant's claims. Moreover, neither Aldea nor Lundquist teaches or suggests the use of any embolic blockers or intraluminal valves positioned within the lumen of a coronary vein to facilitate

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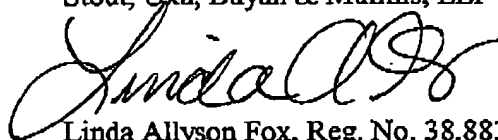
retrograde flow of blood through the coronary vein, as recited in Applicant's dependent claims. Accordingly, for these reasons and others not specifically articulated herein applicant submits that claims 1, 5-7 and 83-90 are in condition for allowance over Aldea, Lundquist and all other prior art of record.

Reconsideration and issuance of a Notice of Allowance is earnestly solicited. The Examiner is invited to telephone Applicant's undersigned counsel in the event that the Examiner has any questions or desires assistance in locating the support that exists in the specification for the newly added dependent claims.

Respectfully submitted,

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Date: March 12, 2004



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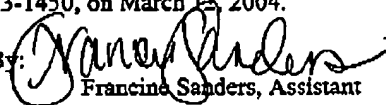
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 13, 2004.

Dated: March 12, 2004

By:


Francine Sanders, Assistant